

MAY 30 2008

Serial No. 10/647,262
Amendment dated May 30, 2008Atty. Docket No. DOC.016DC
Reply to Office action of December 31, 2007REMARKS

Claims 15-30, 38, 41-46 and 51-70 are currently pending in the subject application. Claims 28-30, 38, 46, 51-60, 63 and 64 are withdrawn from consideration. Claims 15, 53 and 57 are independent.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on August 26, 2003.

A. Introduction

In the outstanding Office action, mailed December 31, 2007, claims 15-17, 19-26, 41-45, 61, 62 and 65-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,731,155 to Napoli et al. ("the Napoli et al. reference") in view of U.S. Patent No. 5,552,328 to Orlowski et al. ("the Orlowski et al. reference"); and claims 18 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Napoli et al. reference in view of the Orlowski et al. reference and U.S. Patent No. 5,772,905 to Chou ("the Chou reference").

B. Asserted Obviousness Rejection of Claims 15-17, 19-26, 41-45, 61, 62 and 65-70

In the outstanding Office action, claims 15-17, 19-26, 41-45, 61, 62 and 65-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Napoli et al. reference in view of the Orlowski et al. reference. This rejection is respectfully traversed for at least the reasons set forth below.

First, the characterization that the Napoli et al. reference only lacks the "separation step" is respectfully traversed. For example, claim 15 recites, inter alia, "making a master including a plurality of optical elements on a substantially planar surface thereof." There is no discussion in the Napoli et al. reference as to the configuration of the master. Additionally, there no teaching or suggestion in the Napoli et al. reference that the pattern in the resin constitutes optical elements. Finally, claim 15 further recites "each individual optical element including the hardened replica and the support substrate." In contrast, the Napoli et al. reference is directed to formation of a lithographic mask, i.e., any elements formed in the Napoli et al. reference do not include the resin. See, for example, column 2, line 52 to column 3, line 12 of the Napoli et al. reference, in which the resin remains in place during all processing steps without loss of pattern, while being completely removable when processing is complete is discussed. Therefore, it is respectfully submitted that the Napoli et al. reference fails to disclose or suggest limitations of

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claim 15, in addition to the "separation step" admittedly the missing in the Napoli et al. reference.

Second, the Orlowski et al. reference fails to remedy these deficiencies in the Napoli et al. reference. Third, while the Orlowski et al. reference may teach vertical separation of LEDs, there is no disclosure or suggestion that these LEDs include a hardened replica.

Therefore, it is respectfully submitted that neither the Napoli et al. reference nor the Orlowski et al. reference, either alone or in combination, suggest, much less disclose, the limitations recited in claim 15. The remaining rejected claims depend, either directly or indirectly, from claim 15, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

C. Asserted Obviousness Rejection of Claims 18 and 27

In the outstanding Office action, claims 18 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Napoli et al. reference in view of the Orlowski et al. and Chou references. This rejection is respectfully traversed for at least the reasons set forth below.

Claims 18 and 27 depend, either directly or indirectly, from claim 15, and the Chou reference fails to provide the teachings noted above as missing from the combination of the Napoli et al. and Orlowski et al. references. Thus, claims 18 and 27 are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

D. Conclusion

The above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome them. However, while these remarks may refer to particular claim elements, they are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied art. Accordingly, applicants respectfully submit that the claims are allowable for reasons including, but not limited to, those set forth above, and patentability of the claims does not depend solely on the particular claim elements discussed above.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

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In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

Date: May 30, 2008


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying papers may also be charged to Deposit Account No. 50-1645.